



THE ATTORNEY GENERAL
OF TEXAS

AUSTIN 11, TEXAS

JOHN BEN SHEPPERD
ATTORNEY GENERAL

March 12, 1953

Hon. G. H. Williamson
County Attorney
Erath County
Stephenville, Texas

Letter Opinion No. MS-09

Re: Authority of the commissioners' court to accept a cash bonus bid for designation of a bank to be the county depository.

Dear Sir:

You have requested the opinion of this office concerning the authority of the commissioners' court to accept a cash bonus bid for designation of a bank to be the county depository.

Your opinion request states that the bid in question reads:

"Attached hereto is our cashiers' check in the amount of \$525.00, which is to be used by the Commissioners Court as they may see fit. This check is our bid for the depository."

The Texas Courts have repeatedly held that the commissioners' court is a court of limited jurisdiction and has only such powers as are conferred upon it, either by express terms or by necessary implication, by the statutes and Constitution of Texas. Childress County v. State, 127 Tex. 343, 92 S.W.2d 1011 (1936); Von Rosenberg v. Lovett, 173 S.W. 508 (Tex.Civ.App. 1915, error ref.); Roper v. Hall, 280 S.W. 289 (Tex.Civ.App. 1925); Hill v. Sterrett, 252 S.W.2d 766 (Tex. Civ.App. 1952, error ref., n.r.e.).

Article 2546, Vernon's Civil Statutes, governs the selection of a county depository by the commissioners' court. We find no express or implied provisions in that article or any other statute or constitutional provision that would authorize the commissioners' court to consider or accept a cash bonus bid for the designation of a bank to be the county depository. Therefore, your question is answered in the negative.

Yours very truly,
JOHN BEN SHEPPERD

By B. Duncan Davis
Assistant

BDD:am:wb